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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON AS
TRUSTEE, ON BEHALF OF THE HOLDERS
OF THE ALTERNATIVE LOAN TRUST
2007-HY2 MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2007-HY2,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company; SIERRA
RANCH HOMEOWNERS ASSOCIATION, a
Nevada non-profit corporation; LEACH
JOHNSON SONG & GRUCHOW, LTD.; and
DOES I through X, and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:16-cv-01164-RFB-NJK

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff, THE BANK OF NEW YORK MELLON AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY2 MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY2 ("BNY Mellon" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank, "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand within the time limited for

1 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all
 2 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or
 3 more persons, to the effect that they will pay such costs and charges as may be awarded against
 4 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
 5 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is
 6 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
 7 as required has been filed, the court or judge may order the action to be dismissed.” NRS
 8 18.130(4).

9 “It is the policy of the United States District Court for the District of Nevada to enforce
 10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
 11 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
 12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13 Here, BNY Mellon is not a Nevada citizen, but rather a Delaware corporation with its
 14 corporate headquarters in New York. Accordingly, SFR demands that the Bank post a \$500 cost
 15 bond within 30 days and that the proceedings be stayed until such cost bond is posted. Should
 16 the Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
 17 action be dismissed.

18 DATED June 27, 2016.

KIM GILBERT EBRON

/s/ Diana Cline Ebron
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IT IS SO ORDERED:



26 RICHARD F. BOULWARE, II
 27 United States District Judge

28 DATED this 27th day of July, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

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/s/ Alan G. Harvey
An employee of KIM GILBERT EBRON

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